

REMARKS

It is noted with appreciation that Claims 12 and 14 were allowed. Claim 13 has been amended to depend from Claim 12 so Claim 13 is also allowable.

The Examiner rejected Claims 10, 11, and 13 under 35 U.S.C. § 112, second paragraph, because Claim 10 had not been amended to change its dependency from Claim 1 to Claim 9. This error has been corrected.

The Examiner rejected Claims 9-11 and 13 under 35 U.S.C. § 102(b) as anticipated by Sakata et al. (JP 09124652). According to the Examiner, Sakata et al. disclose porphyrin derivatives and uses thereof and, in particular, N,N'-[[12-ethenyl-7[(ethoxyimino)ethylidene]-7,8-dihydro-8-hydroxy-3,8,13,17-tetramethyl-21H,23H-porphine-2,18-diyl]bis(1-oxo-3,1-propanediyl)]bis-L-aspartic acid which the Examiner asserted is the same species disclosed in the instant Claim 9. The Examiner continued, saying that Sakata et al. disclose that their porphyrin compound is useful for photodynamic treatment and diagnosis of cancer. This rejection is respectfully traversed

Since Claim 13 has been amended to depend from Claim 12, this rejection no longer applies to Claim 13. Only Claims 9-11 stand rejected.

It is pointed out that Sakata et al. teach their porphyrin compound as the mixture of position isomers obtained by exchanging the functional groups of the side chains on the rings A and B among four tetrapyrrole rings in the formula. This is clearly described in the claim and in paragraphs [0012], [0015], and [0026] of the reference. Sakata et al.,

therefore, only teach that the mixture of the position isomers is useful for photodynamic treatment and diagnosis of cancer. There is no teaching of any single isomer.

The Applicants conceived of separating the position isomers and thus completed the present invention. The porphyrin compounds of the present invention represented by the formula (I) (see Claim 9) or by formula (II) (see Claim 12) are single components, are stable, and have a higher excretion rate from normal tissues. Considering the foregoing, it is respectfully requested that the Examiner withdraw this rejection.

Since all the claims are clearly in condition for allowance and distinguish over the prior art of record, whether taken singly or in combination, an early Notice of Allowance is in order and the Examiner is respectfully requested to pass this case to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #2201/49996).

Respectfully submitted,

Date


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